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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/966,179	(09/28/2001	Nancy J. Gettens	8474	5525	
20349	7590	06/17/2003		•	•	
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WALTHAM	I, MA 02	451	•	ART UNIT	PAPER NUMBER	

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner	Office Action Summary Examiner Group Art Unit 1732 -The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address— Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of This COMMUNICATION. Extensions of time may be evaliable under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (8) MONTH from the mailing date of this communication. If the period for reply specified above, such period shalt, by default, expire SIX (8) MONTH from the mailing date of this communication. If the period for reply see specified above, such period shalt, by default, expire SIX (8) MONTHS from the mailing date of this communication. If No period for reply is specified above, such period shalt, by default, expire SIX (8) MONTHS from the mailing date of this communication. If NO period for reply is specified above, such period shalt, by default, expire SIX (8) MONTHS from the mailing date of this communication, even if timely, may reduce any earned petent term adjustment. Bos 37 CFR 1.70(b). Status This action is FinAL. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1.1; 453 O.G. 213. Disposition of Claims Si/are pending in the application. Si/are withdrawn from consideration. Si/are vithdrawn from consideration. Si/are vith			T		
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Art Unit: 1732

1. Applicant's election with traverse of Group I, claims 1-6 in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the two groups would be more conveniently examined in one application. This is not found persuasive because the instant lens can be made, as noted in the restriction, by methods other than the instant--for example, the lens can be ground or cut from a stock material and would not require molding as set forth in the instant method.

The requirement is still deemed proper and is therefore made FINAL.

Applicant is requested to cancel the non-elected claims to expedite prosecution.

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalzell et al in view of Kohan (see col. 18, lines 65-67).

The primary reference discloses the basic claimed method lacking at most the aspect of the concave platen holding a volume of polymerizable composition on its forming surface. Kohan teaches making glasses and other non-prescription optical elements which have a hard coating on them. The hard coat liquid (ie, monomer or oligomer) is applied to the concave surface of the mold and polymerized to the preformed lens (wafer). It certainly is known in the art to apply hard coats to mold surfaces and bond them to lenses as taught by Kohan and such would have been an obvious expedient in the process of the primary reference to make the lens scratch resistant. Note

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that Dalzell et al teaches the rest of instant claim 1, as well as showing hard coat layers 15

surrounding plastic (PMMA, PC, CTA) layers 12 and 14, the plastic layers encasing a polarizer

layer 10. This encompasses the recitations in instant claims 2-4. The light polarizing layer 10 is

also closer to the concave surface of the lens as recited in instant claim 5-- see the figures. The

exact nature of the polymerizable composition applied to the mold would have been within the

skill level of the art. Certainly, the composition recited in claim 6 is well known in the art and

would have been an obvious material selection for a hard coat/scratch resistant layer.

3. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

June 12, 2003

M. Vagot

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